

## **REMARKS**

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1, 3, 5-9, and 18-20 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,869,178 in view of Landry-Coltrain et al. (US 2003/0138608). Claims 1, 3, 5-9, 11, 13, and 15-24 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,869,178 in view of Tang et al. (US 6,632,485). Submitted herewith is a terminal disclaimer with regard to cited U.S. Patent No. 6,869,178 in compliance with 37 CFR 1.321(c) to overcome such asserted double patenting rejections based on a nonstatutory double patenting ground.

Claims 1, 3, 5-9, and 18-20 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,861,114 in view of Landry-Coltrain et al. (US 2003/0138608). Claims 1, 3, 5-9, 11, 13, and 15-24 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,861,114 in view of Tang et al. (US 6,632,485). Submitted herewith is a terminal disclaimer with regard to cited U.S. Patent No. 6,861,114 in compliance with 37 CFR 1.321(c) to overcome such asserted double patenting rejections based on a nonstatutory double patenting ground.

Claims 1, 3, 5-9, 13, and 18-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yau et al. (US 2004/0090512) in view of Landry-Coltrain et al. (US 2003/0138608). Claims 1, 3, 5-9, 11, 13, and 15-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yau et al. (US 2004/0090512) in view of Tang et al. (US 6,632,485). Yau et al. US 2004/0090512 was published after the filing date of the present application, and thus is only available as prior art under 35

USC 102(e). The following “Statement of Common Ownership” serves to remove such Yau et al. ‘512 document for use under 35 USC 103(a):

**Statement of Common Ownership**

**The subject matter of the cited Patent Application Publication No. 2004/0090512 A1 and the claimed invention of the present application No. 10/795,836 were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the assignee Eastman Kodak Company.**

In view thereof, it follows that Yau et al. ‘512 cannot be used as a prior art reference under 35 U.S.C. §103(a). Withdrawal of such rejections is accordingly respectfully requested.

Claims 1, 3, 5-9, 13, and 18-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yau et al. (US 2004/0090514) in view of Landry-Coltrain et al. (US 2003/0138608). Claims 1, 3, 5-9, 11, 13, and 15-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yau et al. (US 2004/0090514) in view of Tang et al. (US 6,632,485). Yau et al. US 2004/0090514 was published after the filing date of the present application, and thus is only available as prior art under 35 USC 102(e). The following “Statement of Common Ownership” serves to remove such Yau et al. ‘514 document for use under 35 USC 103(a):

**Statement of Common Ownership**

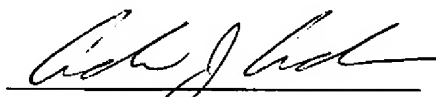
**The subject matter of the cited Patent Application Publication No. 2004/0090514 A1 and the claimed invention of the present application No. 10/795,836 were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the assignee Eastman Kodak Company.**

In view thereof, it follows that Yau et al. ‘514 cannot be used as a prior art reference under 35 U.S.C. §103(a). Withdrawal of such rejections is accordingly respectfully requested.

It is further requested that withdrawn claims 26 and 27, directed to a method of using the element of claim 1 be **rejoined** and allowed with the remainder of the claims as provided in accordance with MPEP 806.05(h) and 821.04(b).

In view of the foregoing remarks and amendment, the claims are now deemed allowable and such favorable action is courteously solicited. Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



Andrew J. Anderson  
Attorney for Applicant(s)  
Registration No. 33,564

AJA:clb

Rochester, NY 14650

Telephone: (585) 722-9662

Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.